

Applicant's Docket No. 1467.006
Appeal Brief
U.S. Application No. 09/610,128

AF/3629
IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Bruce Kerievsky, *Pro Se* Applicant
Serial No. : 09/610,128
For : AN INTERACTIVE TALKING ELECTRONIC
COOKBOOK
Filed : July 5, 2000
Examiner : Ouellette, Jonathon P.
Art Unit : 3629
Confirmation No. : 4622

Bruce S. Kerievsky
7 Arrandale Avenue
Great Neck, NY 11024

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Bruce S. Kerievsky, *pro se* Applicant

Name of Applicant, Assignee or Registered Representative

Bruce S. Kerievsky

Signature

October 28, 2005

Date of Signature

BRIEF OF APPELLANT

Mail Stop Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from a final rejection, rejecting claims

37 and 39-59, all of the pending claims in the above-captioned application. A Notice of Appeal was filed on August 29, 2005, setting a two month period for response set to expire on October 31, 2005 (October 29, 2005 being a Saturday). This Brief is submitted in triplicate and is accompanied by the \$250.00 fee as set forth in 37 C.F.R 1.17(c).

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1. REAL PARTY IN INTEREST

The real party in interest is Appellant a *pro se* applicant.

2. RELATED APPEALS AND INTERFERENCES

Upon information and belief, the undersigned does not believe that there is any other appeal, or interference, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF THE CLAIMS

This application was filed with claims 1-13.

An Office Action issued rejecting claims 1-13. Claims 14-59 were subsequently added. Claims 1-36 and 38 have been previously canceled without prejudice or disclaimer of subject matter. Claims 37 and 39-59 are currently pending. Claims 37, 39, 43-50, 54-59 were rejected as unpatentable over Neuhaus (U.S. Patent No. 5,832,466) in view of Kolawa et al. (U.S. 6,236,974). Claims 40-42 and 51-53 were rejected as obvious over Neuhaus and Kolawa and Metz.

An Advisory Action indicated that the claims were not allowable.

4. STATUS OF AMENDMENTS

The Advisory Action indicates that a Notice of Appeal was filed on August 29, 2005. No claims were amended in the After-Final Response. The claims as set forth in the Appendix include all previously filed amendments.

5. SUMMARY OF INVENTION

The present invention relates to a method for providing a recipe to a user in audible form, such that an interactive session is established. The method includes accessing a series of instructions related to a recipe and sequentially providing the series of instructions to the user using an output device that provides each of the instructions in an audible form for the user to hear. A spoken utterance is detected from the user while the series of instructions are being provided to the user. The next step is responding to the spoken utterance by providing additional instructional data to the user using the output device to provide the additional instructional data in an audible form for the user to hear. An interactive cooking session is established such that a subsequent instruction is not provided to the user until the user provides a particular spoken utterance requesting the subsequent instruction.

6. ISSUES

The issue is whether claims 37 and 39-59 are patentable over the cited prior art used as a basis of rejection. Specifically, the issue is whether the rejection of claims 37, 39, 43-50, 54-59 over Neuhaus (U.S. Patent No. 5,832,466) in view of Kolawa et al. (U.S. 6,236,974) is proper. Whether claims 40-42 and 51-53 are as obvious over Neuhaus and Kolawa and Metz.

7. GROUPING OF CLAIMS

Claims 37 and 39-59 stand or fall together.

8. ARGUMENT

I submit that the combination of Neuhaus and Kolawa does not render my claimed invention obvious. Specifically, my invention, as claimed in claim 37, is directed to detecting a spoken utterance from the user while the series of instructions are being provided to the user; and

responding to the spoken utterance by providing additional instructional data to the user using the output device to provide the additional instructional data in an audible form for the user to hear,

wherein **an interactive cooking session is established** such that a **subsequent one of the instructions is not provided to the user until the user provides a particular spoken utterance requesting the subsequent instruction.**

As I understand the cited references, Neuhaus and Kolawa do not render claim 37 unpatentable because Neuhaus and Kolawa do not teach or suggest the features of claim 37. Specifically, these patents do not teach or suggest responding to the spoken utterance by providing additional instructional data to the user using the output device. Also, the cited references do not teach or suggest **an interactive cooking session is established** such that a **subsequent one of the instructions is not provided to the user until the user provides a particular spoken utterance requesting the subsequent instruction.**

Indeed, the Final Office Action relies on Kolawa to disclose the claimed interactive cooking feature. I respectfully disagree that Kolawa discloses the interactive cooking session as claimed in claim 37. Kolawa does not disclose the interactive cooking feature recited in claim 37.

Therefore, I submit that claim 37 is patentable.

Independent claim 49 recites similar features and is believed patentable for the same reasons.

The other claims in this application are dependent on one of the independent claims discussed above and are believed patentable for the same reasons. However, each dependent claim also recites an additional aspect of the invention and the individual consideration of each dependent claim on its merits is respectfully requested.

9. CONCLUSION

I believe all the pending claims are patentable and respectfully request early passage to issuance.

Respectfully submitted,

By 
Bruce S. Kerievsky
Pro Se Applicant
(516) 466-2872

10. APPENDIX I: CLAIMS ON APPEAL

1- 36 (canceled)

37. (previously presented) A method for providing a recipe to a user in audible form, such that an interactive session is established, comprising:

accessing a series of instructions related to a recipe ;

sequentially providing the series of instructions to the user using an output device that provides each of the instructions in an audible form for the user to hear;

detecting a spoken utterance from the user while the series of instructions are being provided to the user; and

responding to the spoken utterance by providing additional instructional data to the user using the output device to provide the additional instructional data in an audible form for the user to hear,

wherein an interactive cooking session is established such that a subsequent one of the instructions is not provided to the user until the user provides a particular spoken utterance requesting the subsequent instruction.

38. (canceled) .

39. (previously presented) The method of claim 37 further comprising:

accessing a glossary as a function of detecting the spoken utterance; and

providing the additional data from the glossary.

40. (previously presented) The method of claim 37, further comprising:

initiating a timer as a function of the spoken utterance from the user; and
providing an indication at an expiration of a time interval associated with the timer.

41. (previously presented) The method of claim 40, further comprising:

initiating a second timer as a function of the spoken utterance from the user; and
providing a second indication at an expiration of a time interval associated with the
second timer.

42. (previously presented) The method as claimed in claim 40, wherein the timer is associated
with a particular segment of the data related to cooking.

43. (previously presented) The method of claim 37, further comprising:

translating at least a portion of the data relating to cooking from a first language into a
second language; and
providing the translated portion to the user.

44. (previously presented) The method as claimed in claim 37, further comprising converting a
portion of the data relating to cooking from a first unit of measurement to a second unit of
measurement.

45. (previously presented) The method of claim 37, further comprising, retrieving the data related to cooking from a remote location.

46. (previously presented) The method of claim 37, further comprising transmitting the data related to cooking to a hand-held device.

47. (previously presented) The method of claim 37 wherein the initial data comprises data related to two or more recipes.

48. (previously presented) The method of claim 37, further comprising modifying the additional data as a function of a second utterance.

49. (previously presented) An apparatus for providing a recipe to a user in audible form, such that an interactive session is established, comprising:

means for sequentially providing a series of instructions, related to a recipe, using an output device that provides each of the instructions in an audible form for the user to hear;

means for detecting a spoken utterance from the user, while the series of instructions are being provided to the user; and

means for providing additional instructional data in response to the utterance using the output device, to the user in audible form,

wherein an interactive cooking session is established such that a subsequent one of the instructions is not provided to the user until the user provides a particular spoken utterance requesting the subsequent instruction.

50. (previously presented) The apparatus of claim 49, further comprising:

means for accessing a glossary as a function of detecting an utterance; and

means for providing additional data from the glossary.

51. (previously presented) The apparatus of claim 49, further comprising:

means for initiating a timer as a function of the utterance from the user; and

means for providing an indication at an expiration of a time interval associated with the timer.

52. (previously presented) The apparatus of claim 51, further comprising:

means for initiating a second timer as a function of the utterance from the user; and

means for providing a second indication at an expiration of a time interval associated with the second timer.

53. (previously presented) The apparatus as claimed in claim 51, wherein the timer is associated with a particular segment of the data related to cooking.

54. (previously presented) The apparatus of claim 49, further comprising:

means for translating at least a portion of the data relating to cooking from a first language into a second language; and

means for providing the translated portion to the user.

55. (previously presented) The apparatus as claimed in claim 49, further comprising means for converting a portion of the data relating to cooking from a first unit of measurement to a second unit of measurement.

56. (previously presented) The apparatus of claim 49, further comprising, means for retrieving the data related to cooking from a remote location.

57. (previously presented) The apparatus of claim 49, further comprising means for transmitting the data related to cooking to a hand-held device.

58. (previously presented) The apparatus of claim 49, wherein the initial data comprises data related to two or more recipes.

59. (previously presented) The apparatus of claim 49, further comprising means for modifying the additional data as a function of a second utterance.